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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,725	02/05/2001	Timothy M. Swager	M0925/7086 (TJO)	6084

7590 04/14/2004

Timothy J. Oyer  
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600 Atlantic Avenue  
Boston, MA 02210

EXAMINER

RILEY, JEZIA

ART UNIT	PAPER NUMBER
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1637

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

**Office Action Summary****Application No.**

09/777,725

**Applicant(s)**

SWAGER, TIMOTHY M.

**Examiner**

Jezia Riley

**Art Unit**

1637

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-126 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-126 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Election/Restrictions*

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-54, 59, 60, 105, drawn to an article, classified in class 252 subclass 500; class 525 subclass 50; class 257, subclass 40.
- II. Claims 55-57, drawn to a sensor, classified in class 204, subclass 415; class 422 subclass 98; class 435 subclass 25.
- III. Claims 58, drawn to a composition, classified in class 252 subclass 500; class 525 subclass 50; class 257, subclass 40.
- IV. Claims 61-74, drawn to a method for altering conductivity, classified in class 257, subclass 139.
- V. Claims 75-99, 102, and 103, drawn to a method for detecting an analyte, classified in class 257, subclass 139 .
- VI. Claims 100-101, drawn to a method for amplifying or reducing conductivity, classified in class 257, subclass 139.
- VII. Claims 104, drawn to a method for synthesizing a conducting polymer, classified in class 252 subclass 500; class 525 subclass 50; class 257, subclass 40.
- VIII. Claims 1-3, 106-109, drawn to an article, classified in class 252 subclass 500; class 525 subclass 50; class 257, subclass 40.

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- IX. Claims 1-3, 110-111, drawn to an article, classified in class 252 subclass 500; class 525 subclass 50; class 257, subclass 40.
- X. Claims 1-3, 112-117, drawn to an article, classified in class 252 subclass 500; class 525 subclass 50; class 257, subclass 40.
- XI. Claims 1-3, 118, drawn to an article, classified in class 252 subclass 500; class 525 subclass 50; class 257, subclass 40.
- XII. Claims 1-3, 119-121, drawn to an article, classified in class 252 subclass 500; class 525 subclass 50; class 257, subclass 40.
- XIII. Claims 1-3, 122-126, drawn to an article, classified in class 252 subclass 500; class 525 subclass 50; class 257, subclass 40.

The inventions are distinct, each from the other because of the following reasons:

Inventions I-XIII are related as products and processes of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the invention of group I can be used for the method of group IV, V or VI or for the sensor of group of II. Additionally, the inventions of groups VIII-XIII are directed to different article comprising different conducting polymers which are patentably distinct.

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Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

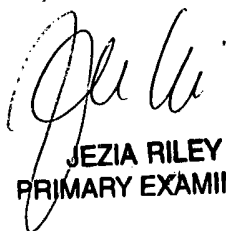
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jezia Riley whose telephone number is 571-272-0786.

The examiner can normally be reached on 9:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571-272-0782. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monday, April 12, 2004

  
JEZIA RILEY  
PRIMARY EXAMINER